

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**DANIEL JACKSON,
Plaintiff,**

v.

Case No. 12-C-0147

**SHAWN R. ENNEPER, TROOPER ROFFERS,
JOHN DOE, and DEPUTY JANDA,
Defendants.**

ORDER

Defendants Enneper and Roffers have filed a motion to compel plaintiff to authorize the release of his complete medical files. They assert that counsel has asked plaintiff for a release of his medical records from the Appleton Medical Center and Outagamie County Jail on three occasions. Although plaintiff has provided a release for the Outagamie County Jail records, he has not provided a release for his records at the Appleton Medical Center. Plaintiff has not filed a response to defendants' motion.

"Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense[.]" Fed. R. Civ. P. 26(b)(1). It is not clear why plaintiff signed a release for his Outagamie County Jail medical records but failed to sign one for his records from the Appleton Medical Center. The medical records are relevant to plaintiff's claim that when he arrived at Appleton Medical Center, defendants Roffers and Janda held him down while hospital staff illegally seized his blood and urine by force. While plaintiff has a constitutional interest in protecting the confidentiality of his medical records, see Whalen v. Roe, 429 U.S. 589 (1977), he waived that interest when he filed suit alleging that defendants and hospital staff violated his constitutional rights while seizing his blood and urine and the Appleton Medical Center. See e.g., Doe v. Marsh, 918 F. Supp. 580,

585 (N.D. N.Y. 1996). Finally, plaintiff's failure to respond to defendants' motion is sufficient cause to grant the motion. See Civil L. R. 7 (E.D. Wis.).

IT IS THEREFORE ORDERED that defendants' motion to compel (Docket #39) is **GRANTED**. Plaintiff shall provide defendants and their counsel with a release for his medical records at the Appleton Medical Center. If the plaintiff fails to do so, I will consider dismissing this action for lack of prosecution.

Dated at Milwaukee, Wisconsin, this 13th day of September 2012.

s/ Lynn Adelman
LYNN ADELMAN
District Judge